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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,080	12/22/2000	Mai-Ian Tomsen	4000.2.10	3248
32641	7590	07/28/2006	EXAMINER	
DIGEO, INC C/O STOEL RIVES LLP 201 SOUTH MAIN STREET, SUITE 1100 ONE UTAH CENTER SALT LAKE CITY, UT 84111			SALTARELLI, DOMINIC D	
		ART UNIT	PAPER NUMBER	
			2623	

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/748,080	TOMSEN ET AL.	
	Examiner	Art Unit	
	Dominic D. Saltarelli	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 May 2006.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,2,5,6,11-32,35,36 and 41-61 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2,5,6,11-32,35,36 and 41-61 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/30/66
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ .
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____ .

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 26, 2006 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 2, 5, 6, 11, 14-17, 21-23, 30-32, 35, 36, 41, 44-47, 51-53, 60 and 61 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong et al. (6,748,375) [Wong] in view of Dodson et al. (6,184,877) [Dodson].

Regarding claims 1, 31, and 61, Wong teaches a method and system for retrieving supplemental content related to a television program being displayed by an interactive television system without requiring existing contextual information associated with the television program to be specifically programmed to trigger the display of particular supplemental content and without requiring the

creation of a specialized database associated supplemental content with programming times (col. 3 line 45 – col. 4 line 7), the system comprising:

A remote control device (col. 8, lines 6-20) for the interactive television system, and

A set top box for the interactive television system (fig. 8, col. 7, lines 21-30 and col. 8, lines 30-47), the set top box being configured to obtain contextual information including keywords from closed captioning text pertaining to the television program being displayed at the time, and without user input, send an information request comprising the contextual information to a content source, and retrieve supplemental content from the content source for display by the interactive television system in response to the content source identifying supplemental content related to the television program based upon the contextual information (col. 5 line 54 – col. 6 line 10, as shown in fig. 4, the contextual information is extracted keywords which are sent to a search engine which performs a search for content and returns the results to the client system for display).

Wong fails to disclose the remote control device comprises a specifically designated button for requesting supplemental content related to the television program.

In an analogous art, Dodson teaches a system for processing queries for supplemental content related to a television program being displayed by an interactive television system (see figs. 2-4) wherein a user presses a specifically

designated button for requesting supplemental content related to the television program (see figs. 2-4, 'Search' button 212), bringing forth an overlay of search results only when desired by a user (see col. 3, lines 41-49, wherein a user selects content from the overlay, and can also remove the overlay from the screen by pressing 'cancel').

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong to include a specifically designated button for requesting supplemental content related to the television program, as taught by Dodson, performing a search only when a user desires supplemental content, so that the search results only occupy the screen when the user is interested in supplemental content.

Regarding claim 2, Wong and Dodson disclose the method of claim 1, wherein the supplemental content is displayed by the interactive television system in response to the user activating the specifically designated button (Dodson, col. 3, lines 41-49).

Regarding claims 5 and 35, Wong and Dodson disclose the method and system of claims 3 and 33, wherein the set top box is further configured to read an indication of the television program being displayed from electronic programming guide data associated with the television program (Dodson, col. 3, lines 8-28).

Regarding claims 6 and 36, Wong and Dodson disclose the method and system of claims 3 and 33, and Wong additionally discloses a search engine configured to search the content source for supplemental content related to the indication of the television program and display any supplemental content found (fig. 4, search engine 190).

Regarding claims 11 and 41, Wong and Dodson disclose the method and system of claims 1 and 31, further comprising searching the content source for the at least one keyword (Wong, fig. 4, keyword generating system 188 generates the keywords from closed captioning, col. 5 line 54 – col. 6 line 10).

Regarding claims 14, 16, 44, and 46, Wong and Dodson disclose the method and system of claims 1 and 31, wherein the information request comprises an identifier (IP address) of the interactive television system (the request is made to the content provider over the Internet, and establishing a session with the server over Internet Protocol requires sending the IP address of the home computer, Wong, col. 5 line 54 – col. 6 line 10).

Regarding claims 15, and 45, Wong and Dodson disclose the method and system of claims 14 and 34, but fails to disclose the identifier comprises a media access control (MAC) address.

It is notoriously well known in the art to utilize a media access control (MAC) address as an identifier.

Therefore, it would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong and Dodson to include in the identifier a MAC address of the interactive television system, a nearly universally recognized for of network identification for use in routing data to specific network hardware.

Regarding claims 17 and 47, Wong and Dodson disclose the method and system of claims 14 and 44, wherein the content source is configured to send the identified supplemental content to an interactive television system associated with the identifier (Wong, col. 5 line 54 – col. 6 line 10).

Regarding claims 21 and 51, Wong and Dodson disclose the method and system of claims 1 and 31, wherein the set top box is further configured to receive a list of supplemental content items from the content source in response to a search by the content source, receive a user selection of a supplemental content item from the list, send the user selection to the content source, and retrieve from the content source the selected supplemental content item for display by the interactive television system (see Wong, fig. 1, col. 3 line 45 – col. 4 line 7).

Regarding claims 22, 23, 52, and 53, Wong and Dodson disclose the method and system of claims 21 and 51, and further disclose the use of uniform resource locator (URL) links as a means to access content from content sources (Wong, col. 4, lines 8-50).

Regarding claims 30 and 60, Wong and Dodson disclose the method and system of claims 1 and 31, wherein the set top box is further configured to receive a list of supplemental content items from the content source in response to a search of a global information network, receive a user selection of a supplemental content item from the list, and retrieve from the global information network the selected supplemental content item for display by the interactive television system (Wong, col. 3 line 45 – col. 4 line 8).

Regarding claim 32, Wong and Dodson disclose the system of claim 31, and Wong additionally discloses a display device for displaying the supplemental content retrieved from the content source (a television, col. 4 line 51 – col. 5 line 10).

4. Claims 24-29 and 54-59 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and Dodson as applied to claims 21 and 51 above, and in further view of Yen et al. (5,991,799, of record) [Yen].

Regarding claims 24 and 54, Wong and Dodson disclose the method and system of claims 21 and 51, but fail to disclose a filtering component configured to filter the list of items of supplemental content results based on a set of user preferences.

In an analogous art, Yen teaches filtering information items (col. 9, lines 15-24) based on user preferences (col. 9, lines 36-44), limiting the display of supplemental content items to those most relevant or deemed of most interest to the user.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong and Dodson to include a filtering component configured to filter the list of items of supplemental content results based on user preferences, as taught by Yen, for the benefit of limiting the display of supplemental content items to those most relevant or deemed of most interest by the filtering component to the user.

Regarding claims 25 and 55, Yen additionally teaches storing the user preferences locally (in information multiplexer 120, col. 9, lines 36-44), as a dedicated device can store detailed preference information about a particular user (explicit and implicit setting of preference information, col. 9 line 66 – col. 10 line 62).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong, Dodson, and Yen to

include storing the user preferences locally, as taught by Yen, and including them in the information request sent to the content provider, for the benefit of providing detailed user preference information for more effective filtering of supplemental content items.

Regarding claims 26, 27, 28, 29, 56, 57, 58, and 59, Yen additionally teaches storing very detailed aspects of user preferences (col. 9 line 66 – col. 10 line 62), such aspects including content to exclude (content which falls below an alert threshold is ignored, col. 11, lines 57-65), preferred type of content (col. 9, lines 37-48), preferred source of content (websites and subscription content, col. 9 line 66 – col. 10 line 4), and preferences based on historical analysis of previous selections from prior lists of content items (col. 10, lines 10-21), all of which provide a high degree of granularity when defining user preferences.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system of Wong, Dodson, and Yen to include content to exclude, preferred types of content, preferred sources of content, and preferences based on historical analysis of previous selections from prior lists of content items, as taught by Yen, for the benefit of providing a high degree of granularity in user preferences, which increases the effectiveness of any filtering performed based on said preferences.

5. Claims 12, 13, 42, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and Dodson as applied to claims 1 and 31 above, and further in view of Kenner et al. (5,956,716, of record) [Kenner].

Regarding claims 12, 13, 42, and 43, Wong and Dodson disclose the method and system of claims 6, 11, 36, and 41, wherein supplemental content is retrieved from a global information network for display by the interactive television system (the supplemental content is received from the Internet, Wong, col. 3 line 45 – col. 4 line 7), but fails to disclose a search engine configured, in response to supplemental content related to the television program not being found at a content source, to search the global information network for supplemental content related to the television program based on the contextual information.

In an analogous art, Kenner teaches a content retrieval system (fig. 4, col. 7, lines 23-34) wherein users request content from a content source (user request video clips from local SRU, col. 8, lines 51-65), which then searches for the content at the source (local search for video clips is performed first, col. 9, lines 15-20 and 42-45), and if the requested content is not found at the content source, the search is expanded over a global information network (request is forwarded to the PIM 222, col. 9, lines 42-54, which search for the requested information, col. 10, lines 10-12 and col. 8, lines 18-25, over a global network [widely distributed data sources, col. 12, lines 33-35, connected by the Internet,

col. 20, lines 50-63]), thus retrieving information from many available sources (col. 5, lines 39-55 and col. 20 line 10 – col. 21 line 16).

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong and Dodson to include a search engine configured, in response to supplemental content related to the television program not being found at the content source, to search a global information network for supplemental content related to the television program based on the contextual information, as taught by Kenner, for the benefit of broadening the capability of the content source to provide supplemental content.

6. Claims 18 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and Dodson as applied to claims 1 and 31 above, and further in view of Feinleib (6,637,032, of record).

Regarding claims 18 and 48, Wong and Dodson disclose the method and system of claims 1 and 31, wherein the contextual information comprises an indication of a channel being displayed (Dodson, col. 3, lines 8-28), but fail to disclose the set top box if further configured to use the indication of the channel to identify a content source to receive the information request.

In an analogous art, Feinleib teaches supplying supplemental information from a particular content source which relates to a particular channel (col. 1, lines

43-51), for the benefit of enhancing a particular channel with a dedicated source of supplemental content.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong and Dodson to configure the set top box to use the indication of the channel to identify a content source to receive the information request, as taught by Feinleib, for the benefit of enhancing the particular channel being watched with a dedicated source of supplemental content.

7. Claims 19, 20, 49, and 50 rejected under 35 U.S.C. 103(a) as being unpatentable over Wong and Dodson as applied to claims 1 and 31 above, and further in view of Nishikawa et al. (6,348,932, of record) [Nishikawa].

Regarding claims 19, 20, 49, and 50, Wong and Dodson disclose the method and system of claims 1 and 31, but fail to disclose the set to box is configured to simultaneously display the supplemental content with the television content, wherein the displayed television program is reduced in size relative to the size of the displayed supplemental content.

In an analogous art, Nishikawa teaches displaying both the video of a currently selected program along with supplemental content (figs. 10 and 12), wherein the video is displayed in a decimated region of the screen, allowing it and supplemental content (EPG data, ticker region data 566, and DIP data) to be displayed simultaneously (col. 8 line 59 – col. 9 line 6 and col. 12, lines 15-35),

for the benefit of perusing supplemental content in interactive television without interrupting or 'missing' the broadcast program.

It would have been obvious at the time to a person of ordinary skill in the art to modify the method and system disclosed by Wong and Dodson to include simultaneously displaying the supplemental content with the television content, wherein the displayed television content is reduced in size (decimated) relative to the size to the displayed supplemental content (video region is reduced in size to allow room for the supplemental content display), as taught by Nishikawa, for the benefit of perusing the supplemental content in the interactive television system without interrupting or 'missing' the television content.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Wu et al. (6,326,982) which teaches a system for accessing data from the Internet that is related to displayed television programming.

9. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dominic D. Saltarelli whose telephone number is (571) 272-73027302. The examiner can normally be reached on Monday - Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-73537294.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dominic Saltarelli
Patent Examiner
Art Unit 2611

DS



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600